

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CASE NO. 2:10-cr-20005

Plaintiff

HONORABLE NANCY G. EDMUNDS

--vs.--

D-1 UMAR FAROUK ABDULMUTALLAB,

Defendant.

MOTION TO UNSEAL VOIR DIRE TRANSCRIPTS, AND BRIEF IN SUPPORT THEREOF

NOW COMES the United States, Plaintiff herein, and for its Motion to Unseal Voir Dire Transcripts, states as follows:

1. Defendant Umar Farouk Abdulmutallab (hereinafter “Defendant”) was charged in a First Superseding Indictment with various terrorism offenses relating to his attempt to destroy Northwest Flight 253 on December 25, 2009. During trial, Defendant pleaded guilty to all charges in the First Superseding Indictment. Defendant is now appealing his convictions and sentences.

2. Because of significant pretrial publicity and other factors, the Court ordered that an anonymous jury would be used, and further ordered that the trial transcripts of the voir dire would be sealed. Thus, the transcripts of voir dire, which took place over three days, are still under seal. *See* Record Entries 142, 143 and 150, Transcripts of Voir Dire on October 4, October 5, and October 6, 2011.

3. It appears that there is no longer any reason to keep the three transcripts sealed. Pretrial publicity is no longer an issue, as the proceedings before this Court have concluded. Juror privacy will not be affected by unsealing the transcripts, because the transcripts do not identify any juror by name, but only by juror number. Additionally, some of the transcripts contain legal argument regarding evidentiary issues, which was brought up on an impromptu basis by the parties. *See* Record Entry 150: Sealed Voir Dire Transcript, pages 29-37. It does not appear to ever have been the Court's intention to seal such portions of the record.

4. The transcripts are relevant to the appeal. Although the government has not yet filed its brief on appeal, it intends to make reference to some of the particulars of the voir dire process. In addition, the government intends to make reference to the arguments regarding evidentiary matters contained within the transcripts. It would be significantly easier for the parties and the Court of Appeals if the transcripts were unsealed and filed on ECF with Page Identification numbers, rather than necessitating the filing of a sealed appendix. Therefore, if the Court determines that there is no longer any interest served in the transcripts being under seal, the government asks that the Court order that they be unsealed and filed.

5. The undersigned has discussed this motion with Mr. Travis A. Rossman, appellate counsel for Defendant Abdulmutallab, who has no objection to the unsealing of the transcripts.

WHEREFORE, the government prays that its motion be granted, and that the Court orders that Record Entries 142, 143 and 150, transcripts of voir dire on October 4, October 5, and October 6, 2011, be unsealed and filed.

Respectfully submitted,

BARBARA L. McQUADE
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Eastern District of Michigan

/s

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Dated: April 10, 2013

CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2013, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

All filers of record.

I further certify that I have mailed, by electronic mail and United States Postal Service, the document to Mr. Travis A. Rossman, who represents Defendant Abdulmutallab on appeal, but has not filed an appearance in this Court, at the following address:

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